

Notice of Allowability

Application No.

10/507,307

Applicant(s)

KOBAYASHI, SHU

Examiner

Zinna Northington Davis

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed January 16, 2008.
2. ☒ The allowed claim(s) is/are 15 an d 18-30 (now renumbered as 1-14, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

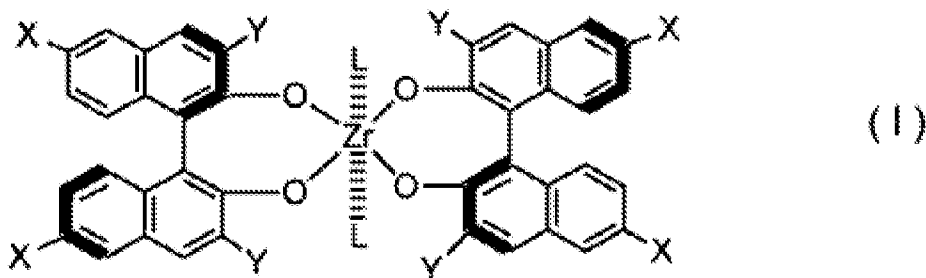
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew Jacob on May 21, 2008.
3. The application has been amended as follows:

A. At page 1 of the specification, after the title, the continuing data has been updated to read as follows:

-- This application is a 371 application of PCT/JP03/02860 filed March 11, 2003.--.

B. Claim 15 has been amended to read as follows:

15. (amended) A practical chiral zirconium catalyst that is stable in air and storable for a long period of time, which comprises a chiral zirconium catalyst comprising, as its component, zirconium and an optically active binaphthol compound, and zeolite, wherein the chiral zirconium catalyst is fixed onto the zeolite, wherein the chiral zirconium catalyst is represented by the following formula (I):



wherein, X and Y are the same as or different from each other and represent a

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hydrogen atom, a halogen atom or a fluorinated hydrocarbon group, at least one of them being a halogen atom or a fluorinated hydrocarbon group; and L represents N-methylimidazole or 1,2-dimethylimidazole.

C. Claims 16 and 17 have been cancelled.

D. At claims 18 and 19, 1st line, the phrase “of claim 17” has been amended to read in favor of:
--of claim 15--.

E. At claim 22, the phrase “A practical chiral zirconium catalyst” has been amended to read in favor of:
-- A practical chiral zirconium catalyst of claim 15--.

F. Claim 26 has been amended to read in favor of:
26. (amended) A method for conducting an Aza Diels-Alder reaction which comprises employing the practical chiral zirconium catalyst of claim 15 as a catalyst for said reaction.

G. Claim 27 has been amended to read in favor of:
27. (amended) A method for conducting a Strecker reaction which comprises employing the practical chiral zirconium catalyst of claim 15 as a catalyst for said reaction.

H. Claim 29 has been amended to read in favor of:
29. (amended) A method for conducting an Aza Diels-Alder reaction which comprises employing the practical chiral zirconium catalyst of claim 22 as a catalyst for said reaction.

I. Claim 30 has been amended to read in favor of:

30. (amended) A method or conducting a Strecker reaction which comprises employing the practical chiral zirconium catalyst of claim 22 as a catalyst for said reaction.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

4. Based upon the response filed January 16, 2008, the rejections under 35 U.S.C. 112, 2nd paragraph and 35 U.S.C. 102 (b) based upon Kobayashi et al. (Reference U) are withdrawn.
5. Claims 17-19 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 15, 16, and 20-30 are directed to the claims of an allowable product, previously withdrawn from consideration as a result of a restriction requirement, these claims are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on October 18, 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

6. The changes made by Examiner's Amendment are editorial in nature. The changes are not made to avoid any possible rejections bases upon prior art.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna N. Davis whose telephone number is 571-272-0682.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Zinna Northington Davis/
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